

DOCKET NO.: M0925.70110US00
IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: Jackie Y. Ying et al.
Confirmation No.: 10/044,801
Filed: 4734
For: January 11, 2002
NANOCRYSTALLINE APATITES AND COMPOSITES, PROSTHESIS
INCORPORATING THEM, AND METHOD FOR THEIR PRODUCTION
Examiner: Carol M. Koslow
Art Unit: 1755

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 14 day of December, 2005.


Tina Hanifin

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Letter to Examiner
- Copy of Notice of Allowance mailed January 31, 2005
- Copy of Part B – Issue Fee Transmittal filed by Applicants on March 9, 2005
- Copy of postcard date stamped by USPTO acknowledging receipt of issue fee payment
- Copy of Notice Under 37 C.F.R. § 1.251 requesting copy of the Notice of Allowance mailed January 31, 2005
- Copy of Letter to Examiner on June 14, 2005 (supplying a copy of the Notice of Allowance mailed January 31, 2005)
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Serial No.: 10/044,801
Confirmation No.: 4734

- 2 -

Respectfully submitted,

By:


Tani Chen, Sc.D., Reg. No.: 52,728
Timothy J. Oyer, Ph.D., Reg. No.: 36,628
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Date: 12/14/05



DOCKET NO.: M0925.70110US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jackie Y. Ying et al.
Serial No.: 10/044,801
Confirmation No.: 4734
Filed: January 11, 2002
For: NANOCRYSTALLINE APATITES AND COMPOSITES,
PROSTHESIS INCORPORATING THE, AND METHOD
FOR THEIR PRODUCTION

Examiner: Carol M. Koslow
Art Unit: 1755

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 14 day of December, 2005.


Tina Hanifin

MAIL STOP ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER TO EXAMINER

The Applicants have recently received a Corrected Notice of Allowance and Fee(s) Due, mailed November 16, 2005. The Corrected Notice indicates that a \$700.00 issue fee is now due.

It is believed that the Corrected Notice was mailed by the Patent Office in error, as an issue fee of \$1,400.00 was previously paid on March 9, 2005 (copy enclosed), in response to an earlier Notice of Allowance mailed January 31, 2005 (copy enclosed). (\$1,400.00 was paid instead of the \$700.00 previously due in the earlier Notice of Allowance, since the Applicants no longer claim small entity status, as indicated on the Part B - Fee Transmittal.) Additionally, in response to a Notice Under 37 C.F.R. §1.251 mailed May 16, 2005 (copy enclosed), in which the Patent Office indicated it had misplaced the Notice of Allowance dated January 31, 2005 and requested a copy of the Notice of Allowance from the Applicants, the Applicants filed a copy of the Notice of Allowance on June 14, 2005 (copy enclosed).

Thus, in view of the fact that the issue fee has already been duly paid, Applicants respectfully request correction of the Corrected Notice of Allowance to indicate that no additional issue fees are now due. Applicants further respectfully request that the application be allowed to proceed to issue.

This letter is being filed after telephone conversations between Tani Chen and Examiner Koslow and (separately) SPRE Examiner Krynski on November 29, 2005. Both Examiners acknowledged that the Corrected Notice of Allowance was mailed in error, but indicated that a paper (i.e., this letter) should be filed in order to properly respond to the Corrected Notice of Allowance in view of the fact that the issue fee had already been paid. The Examiners further acknowledged that the Patent Office's records do indicate that the issue fee has already been paid and the case should be en route to issuance.

The Patent Office is requested to call the undersigned at the telephone number listed below if there are any questions, or if more information is needed. There should be no fee due. If there is a fee occasioned by this response, please charge Deposit Account No. 23/2825.

Respectfully submitted,

By:


Tami Chen, Sc.D., Reg. No. 52,728
Timothy J. Oyer, Ph.D., Reg. No. 36,628
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Docket No.: M0925.70110US00
Date: 12/14/05
x02/16/05x



UNITED STATES PATENT AND TRADEMARK OFFICE

O I P E
DEC 19 2005
PATENT & TRADEMARK OFFICE
IAP62

DOCKETED

FEB 07 2005

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

TJO
TC

NOTICE OF ALLOWANCE AND FEE(S) DUE

23628

01/31/2005

WOLF GREENFIELD & SACKS, PC
 FEDERAL RESERVE PLAZA
 600 ATLANTIC AVENUE
 BOSTON, MA 02210-2211

Confirmation	<input type="checkbox"/>	Initials
Docketing	<input checked="" type="checkbox"/>	PC
04/30/05 ✓		

EXAMINER	
KOSLOW, CAROL M	
ART UNIT	PAPER NUMBER
1755	

DATE MAILED: 01/31/2005

APPLICATION NO.	FILING DATE	FIRST-NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,801	01/11/2002	Jackie Y. Ying	M00925/70110 US00	4734

TITLE OF INVENTION: NANOCRYSTALLINE APATITES AND COMPOSITES, PROSTHESIS INCORPORATING THEM, AND METHOD FOR THEIR PRODUCTION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$0	\$700	05/02/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP-1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

h✓

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT

PAPER

20050121

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

In response to Ms. Chen phone calls to Ms. Koslow and Mr. Kryski about the Notice of Allowability which had a front page mail date of 9/27/04, please ignore this communication. It was mailed out in error. The status of this case is counted by not mailed, thus applicants do not need to provide anything to the PTO at this time.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa Koslow whose telephone number is (571) 272-1371. The examiner can normally be reached on Monday-Friday from 8:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Bell, can be reached at (571) 272-1362.

The fax number for all official communications is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmk
January 21, 2005

C. Melissa Koslow
Primary Examiner
Art Unit: 1755



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,801	01/11/2002	Jackie Y. Ying	M00925/70110	4734
23628	7590	01/31/2005	EXAMINER	
WOLF GREENFIELD & SACKS, PC FEDERAL RESERVE PLAZA 600 ATLANTIC AVENUE BOSTON, MA 02210-2211				KOSLOW, CAROL M
ART UNIT		PAPER NUMBER		
		1755		

DATE MAILED: 01/31/2005

Determination of Patent Term Extension or Adjustment under 35 U.S.C. 154 (b)

A reissue patent is for "the unexpired part of the term of the original patent." See 35 U.S.C. 251. Accordingly, the above-identified reissue application is not eligible for Patent Term Extension or Adjustment under 35 U.S.C. 154(b).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



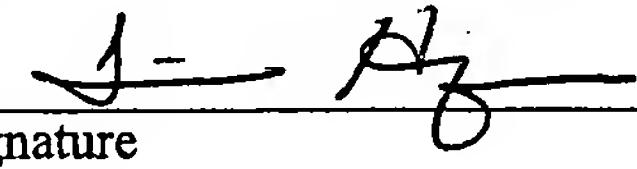
DOCKET NO.: M0925.70110US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jackie Y. Ying, et al.
Serial No.: 10/044,801
Confirmation No.: 4734
Filed: January 11, 2002
For: NANOCRYSTALLINE APATITES AND COMPOSITES,
PROSTHESES INCORPORATING THEM, AND METHOD FOR
THEIR PRODUCTION
Examiner: Carol M. Koslow
Art Unit: 1755

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 9 day of March, 2005.


Signature

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Part B - Issue Fee Transmittal
- Amendment After Allowance
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check in the amount of \$1400.00 is enclosed to cover the issue fee. If the fee is insufficient, the balance may be charged to Deposit Account 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By: 

Timothy J. Oyer, Ph.D., Reg. No.: 36,628
Tani Chen, Sc.D., Reg. No.: 52,728
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Date: March 9, 2005
x04/30/05x

BEST AVAILABLE COPY



Serial No. 10/044,801 File No. M0925.70110US00 By: TJO/TC

Title: NANOCRYSTALLINE APATITES AND COMPOSITES, PROSTHESIS . . .

Application of Jackie Y. Xing, et al. WGS Date: _____

The U.S. PTO Mail Room acknowledges receipt of the following on the date stamped hereon:

<input type="checkbox"/> Mailing by Express Mail (37 CFR 1.10) Express Mail Label No. _____	<input type="checkbox"/> Provisional Application Cover Sheet
<input type="checkbox"/> Patent Application [] Non-provisional [] Provisional Incl. _____ pages, (_____ pgs) Specification, (_____ pgs) Abstract, (_____ pgs) Claims (_____ # claims)	<input type="checkbox"/> Multiple Dependent Claim Fee Sheet
<input type="checkbox"/> Design Patent Application	<input type="checkbox"/> Inf. Discl. Statement, PTO Form 1449
<input type="checkbox"/> Declaration(s)	<input type="checkbox"/> References Cited
<input type="checkbox"/> Drawings _____ Sheet(s) (FIGS. _____) [] Formal [] Informal	<input type="checkbox"/> Priority Document(s) # _____
<input type="checkbox"/> Utility Patent Application Transmittal Fee calculation sheet (x2)	<input type="checkbox"/> Copy of Notice to File Missing Parts
<input type="checkbox"/> CPA Transmittal	<input checked="" type="checkbox"/> Amendment/Response AFTER ALLOWANCE
<input type="checkbox"/> Verified Statement claiming small entity status	<input type="checkbox"/> Petition for Ext. of Time (x2)
<input type="checkbox"/> Request for Approval and Entry of Formal Drawings	<input checked="" type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Other _____	<input type="checkbox"/> Assignment and Coversheet
	<input type="checkbox"/> Notice of Appeal
	<input type="checkbox"/> Brief (x3)
	<input checked="" type="checkbox"/> Check for \$ <u>1400</u> . - Check # <u>0022860</u>
	<input checked="" type="checkbox"/> Transmittal Letter (x2)
	<input checked="" type="checkbox"/> Cert. of Mailing under 37 CFR 1.8(a)

DATE MAILED 3-9-05

Date
March 09, 2005

Payee
Commissioner of Patents & Trademarks

CHECK NO. **440022860**

Invoice	Invoice Date	Client	Matter	Amount
	/ /	M0925	70110US00	1,400.00



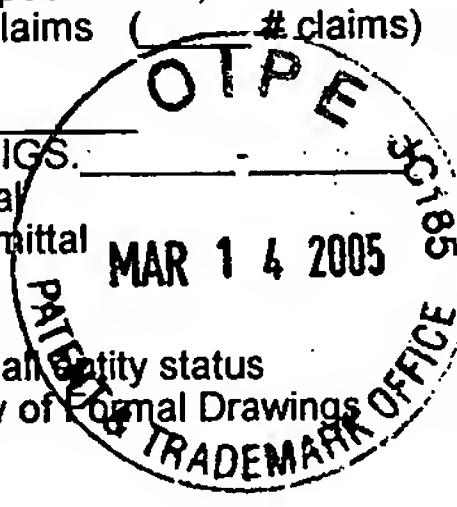
BEST AVAILABLE COPY

Serial No. 10/044,801 File No. M0925.70110US00 By: TJO/TC
Title: NANOCRYSTALLINE APATITES AND COMPOSITES, PROSTHESIS . . .
Application of Jackie Y. Xing, et al. WGS Date: 4-30-05

The U.S. PTO Mail Room acknowledges receipt of the following on the date stamped hereon:

<input type="checkbox"/> Mailing by Express Mail (37 CFR 1.10) Express Mail Label No. _____	<input type="checkbox"/> Provisional Application Cover Sheet
<input type="checkbox"/> Patent Application [] Non-provisional [] Provisional Incl. _____ pages, (_____ pgs) Specification, (_____ pgs) Abstract, (_____ pgs) Claims (_____ # claims)	<input type="checkbox"/> Multiple Dependent Claim Fee Sheet
<input type="checkbox"/> Design Patent Application	<input type="checkbox"/> Inf. Discl. Statement, PTO Form 1449
<input type="checkbox"/> Declaration(s) _____	<input type="checkbox"/> References Cited
<input type="checkbox"/> Drawings _____ Sheet(s) (FIGS.) [] Formal [] Informal	<input type="checkbox"/> Priority Document(s) # _____
<input type="checkbox"/> Utility Patent Application Transmittal Fee calculation sheet (x2)	<input type="checkbox"/> Copy of Notice to File Missing Parts
<input type="checkbox"/> CPA Transmittal	<input type="checkbox"/> Amendment/Response AFTER ALLOWANCE
<input type="checkbox"/> Verified Statement claiming small entity status	<input type="checkbox"/> Petition for Ext. of Time (x2)
<input type="checkbox"/> Request for Approval and Entry of Formal Drawings	<input checked="" type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Other _____	<input type="checkbox"/> Assignment and Coversheet
	<input type="checkbox"/> Notice of Appeal
	<input type="checkbox"/> Brief (x3)
	<input checked="" type="checkbox"/> Check for \$ <u>1400</u> . - Check # <u>0422860</u>
	<input checked="" type="checkbox"/> Transmittal Letter (x2)
	<input checked="" type="checkbox"/> Cert. of Mailing under 37 CFR 1.8(a)

DATE MAILED 3-9-05





BEST AVAILABLE COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

NOTICE UNDER 37 CFR 1.251 - Pending Application

The file on the cover sheet cannot be located after a reasonable search. Therefore, the Office is initiating the reconstruction of the file of the above-identified application pursuant to the provisions of 37 CFR 1.251.

Applicant is hereby requested to provide a copy of applicant's record (if any) of all of the correspondence between the Office and applicant for the above-identified application (except for U.S. patent documents), a list of such correspondence, and a statement that the copy is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and whether applicant is aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

The following paper(s) pertaining to the above-identified application cannot be located after a reasonable search:

Notice of Allowance dated 01/31/05 missing

Therefore, the Office is initiating the reconstruction of such paper(s) pursuant to the provisions of 37 CFR 1.251.

Applicant is hereby requested to provide a copy of the paper(s) listed above and a statement that the copy of such paper(s) is a complete and accurate copy of applicant's record of such paper(s).

If applicant does not possess any record of the correspondence between the Office and the applicant for the file listed on the cover sheet or any copy of the paper(s) listed, applicant must reply to this notice by providing a statement that applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

A printout from PALM of the contents of the file of the above-identified application is included with this notice.

Direct the reply to this notice to:

U. S. Patent and Trademark Office
Mail Stop: Duplicates
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Direct questions concerning this notice to:

Image Assistance Center/ Customer Service

1-(888)-786-0101

PTO Doc. Code: R251.NTC (Rev. 03/05)